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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BRENDA MILES; DANE SULLIVAN;
UNION DE VECINOS, a non-profit
corporation; COALITION FOR
ECONOMIC SURVIVAL, a non-profit
corporation; PEOPLE ORGANIZED FOR
WESTSIDE RENEWAL, a non profit
corporation; and INDEPENDENT LIVING
CENTER OF SOUTHERN
CALIFORNIA, a non-profit corporation,

Plaintiffs,

vs.

HON. DAVID S. WESLEY, in his official
capacity as Presiding Judge of the Los
Angeles Superior Court ; STATE OF
CALIFORNIA; EDMUND G. BROWN,
JR, in his official capacity as Governor of
California; and JOHN A. CLARKE, in his
official capacity as Executive Officer/Clerk
of the Los Angeles Superior Court,
Defendants.

Case No. **CV 13-01817 DMG (P2x)**

**COMPLAINT FOR VIOLATIONS
OF:**

- (1) ADA (42 U.S.C. § 12131);
- (2) SECTION 504 (29 U.S.C. § 794);
- (3) THE FAIR HOUSING ACT (42 U.S.C. §§ 3604(a) and (f)(1));
- (4) THE FAIR HOUSING ACT (42 U.S.C. §§ 3604(b) and (f)(2));
- (5) DUE PROCESS (U.S. Const. Amend. V and XIV); and
- (6) U.S. Const. Amend. I and XIV

JURY TRIAL DEMANDED

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COMPLAINT

[Title]

INTRODUCTION

1. On March 18, 2013, the Los Angeles County Superior Court will cease operating 21 of the 26 local unlawful detainer courtrooms that tens of thousands of County residents depend on for adjudication of their right to remain in their homes. The elimination of unlawful detainer hearings in neighborhood courthouses near low-income minority communities and individuals with disabilities effectively shuts the courthouse doors on many of the County's most vulnerable residents, in circumstances where meaningful access to justice can make the difference between homelessness and a secure place to live. For example, the Court's plan will eliminate all the unlawful detainer courtrooms in the San Fernando Valley, which is home to more than 1.75 million people – making it larger than all but the four largest cities in the United States – and home to more individuals with disabilities than any other part of the County.

2. The Court's plan delivers a devastating blow to individuals with disabilities and violates its obligation to make courts accessible to people with disabilities. Yet, as the Court has acknowledged, it did not even consider the impact of its plan on tenants with disabilities.

3. The Court's actions will force thousands of low-income Black, Latino and Asian tenants and tenants with disabilities to spend five hours or more traveling to distant courthouses and back, simply to have their day in court. Residents of the San Fernando Valley, for example, will be forced to travel to Santa Monica or Pasadena – areas to which there is no adequate public transit route from the Valley. Because of the expedited nature of the unlawful detainer process and the Court's refusal to accept answers for filing in local courthouses, tenants will have to make the arduous, expensive and in many cases virtually impossible trip to an unfamiliar courthouse at least twice in less than a month's time.

4. Virtually all of the Black, Latino, and Asian tenants and tenants with disabilities who will be severely burdened by the elimination of local unlawful

1 detainer courtrooms have no legal representation for their unlawful detainer cases.
2 For many unrepresented tenants, the increased burden created by the elimination of
3 local unlawful detainer hearings will turn an already difficult process into an
4 insurmountable challenge.

5 5. Thus, as the Court has acknowledged, the elimination of local hearings
6 will inevitably result in a dramatic increase in the number of unlawful detainer cases
7 decided by default, regardless of the merits of tenants' cases. Tenants with disabilities
8 and other tenants in low-income minority communities across Los Angeles County
9 will become homeless, and the supply of affordable housing will plummet, as
10 increased defaults will allow landlords to raise the rent on properties subject to local
11 rent-control ordinances.

12 6. Despite the inevitable and dramatic impact of the Court's actions on
13 individuals with disabilities and low-income minority communities, the Court
14 reached its decision to eliminate local unlawful detainer hearings without input from
15 these communities or the organizations that represent them or an analysis of harm.

16 7. On February 28, 2013, the Court ordered that unlawful detainer cases
17 will no longer be filed in neighborhood courtrooms after March 18, 2013 – despite
18 previous representations that no changes would take place until July 1, 2013. The
19 Order also stated that pending unlawful detainer cases would be transferred.
20 Plaintiffs therefore bring this action to challenge the Los Angeles County Superior
21 Court's denial of access to justice to thousands of low-income minority tenants and
22 tenants with disabilities who rely on local unlawful detainer courtrooms for their day
23 in court. Plaintiffs allege upon personal knowledge with respect to themselves and
24 their own acts, and on information and belief with respect to all other matters, as
25 follows:
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1 organizations with tenant members who face an imminent risk of irreparable harm if
2 the Court's plan to eliminate local unlawful detainer hearings is implemented.
3 POWER, CES and Union de Vecinos are harmed by the court's plan because it
4 frustrates their ability to preserve affordable housing and protect the legal rights of
5 their renter members. The Court's plan will undermine its members' abilities to
6 defend themselves in court and deter its members from asserting their rights as
7 tenants, such as by requesting repairs from landlords to secure a safe and habitable
8 home, due to a heightened fear of retaliation coupled with an inability to defend
9 themselves in court due to the new barriers imposed by the Los Angeles Superior
10 Court.

11 14. Plaintiff POWER is, and at all times relevant to this action was, a non-
12 profit California corporation that works with community members to address
13 community concerns, revitalize their neighborhoods, and preserve subsidized and
14 affordable housing. POWER achieves these goals by organizing members in public
15 housing complexes and apartment buildings throughout the San Fernando Valley, San
16 Pedro, and Mar Vista. Through community organizing, it empowers its members to
17 win change through direct action, negotiation, legislation, and public participation in
18 the democratic process. POWER is comprised of over 1,000 community members,
19 including members with disabilities, who reside throughout Los Angeles County. The
20 Court's plan frustrates POWER's capacity to organize tenants because the dramatic
21 increase in defaults and evictions that will inevitably result under the plan will
22 destabilize tenant groups. POWER has been forced to divert resources to combat the
23 Court's proposed plan that it would have spent in other ways to address its core
24 issues. POWER has organized meetings with tenants and conducted outreach and
25 educational meetings around the harmful impacts of courtroom closures.

26 15. Plaintiff CES is, and at all times relevant to this action was, a non-profit
27 grassroots and community-based organization that is dedicated to preserving quality
28 and safe affordable housing in Los Angeles County. CES organizes low and

1 moderate-income people to fight for the rights of tenants living in private and
2 subsidized housing. CES's members, many of whom have disabilities, are low-
3 income tenants living in rent control or units subsidized by state and local
4 governments. The Court's plan frustrates CES's capacity to organize tenants because
5 the dramatic increase in defaults and evictions that will inevitably result under the
6 plan will destabilize tenant groups. As a result, CES has been forced to divert
7 resources to combat the Court's proposed plan that it would have spent in other ways
8 to address its core issues. CES has organized community meetings, organized
9 members to attend court meetings, and conducted educational meetings around the
10 harmful impacts of courtroom closures.

11 16. Plaintiff Union de Vecinos is a network of neighborhood and building
12 communities through which working families get together to examine the conditions
13 of their neighborhoods, reflect on the roots causes of those conditions, and act to
14 bring about concrete change. Many members of Union de Vecinos have disabilities.
15 To effectuate its mission La Union de Vecinos educates tenants about their rights and
16 about different initiatives affecting their community. This promotes regular civic
17 participation in the communities. Union de Vecinos has members in private units and
18 units subsidized by state and local governments throughout Los Angeles County. The
19 Court's plan frustrates Union de Vecinos' capacity to organize tenants because the
20 dramatic increase in defaults and evictions that will inevitably result under the plan
21 will destabilize tenant groups. As a result it has been forced to divert resources
22 combatting the Court's proposed plan that it would have spent helping inform tenants
23 of their rights, protect their rights, and save their homes.

24 17. Plaintiff the Independent Living Center of Southern California
25 ("ILCSC") is, and at all times relevant to this action was, a non-profit consumer-
26 based, non-residential agency with its principal office in the City of Van Nuys,
27 California. ILCSC provides a wide range of services to people with disabilities, older
28 adults, and veterans in the San Fernando Valley, including housing assistance,

1 vocational training, and independent living skills. ILCSC's mission is to provide
2 services which offer people with disabilities and seniors the opportunity to seek an
3 individual course towards independence, while educating the community. The
4 elimination of local unlawful detainer courtrooms frustrates ILCSC' mission because
5 the lack of accessible local courthouses will make it more difficult for people with
6 disabilities and seniors to live securely and independently.

7 18. Defendant the State of California controls, administers, and funds the
8 Los Angeles Superior Court. Through the Judicial Council, the State is the governing
9 body of the California courts, including the Los Angeles Superior Court. The State
10 also ensures that the Los Angeles Superior Court provides all individuals access to
11 the courts.

12 19. Defendant Governor Edmund G. Brown is the Governor of California.
13 As Governor, he is responsible for approving the budget for the Judicial Branch of
14 California. Governor Brown is sued in his official capacity.

15 20. Defendant Judge David S. Wesley is the Presiding Judge of the Los
16 Angeles Superior Court. As presiding judge, Judge Wesley is responsible, with the
17 assistance of the court executive officer, for leading the court, establishing its
18 policies, and allocating resources in a manner that promotes access to justice for all
19 members of the public. Judge Wesley is sued in his official capacity.

20 21. Defendant John A. Clarke is the Executive Officer/Court of the Los
21 Angeles Superior Court. As court executive officer, he is responsible, under the
22 direction of the presiding judge, for overseeing the management and administration of
23 the nonjudicial operations of the court and allocating resources in a manner that
24 promotes access to justice for all members of the public, and is responsible for the
25 Court's facilities and compliance with the Americans with Disabilities Act.
26 Defendant Clarke is sued in his official capacity.

1 **FACTS COMMON TO ALL CLAIMS**

2 22. 21 out of the 26 courthouses in the Los Angeles Superior Court currently
3 hear unlawful detainer cases. For tenants in Los Angeles County, these neighborhood
4 courthouses provide the forum where, on a daily basis, a crucial question is decided:
5 whether they have the right to remain in the apartment or house they and their
6 families call home or must face homelessness.

7 23. On February 7, 2013, with no public notice, no plan to ensure
8 meaningful access to courts for individuals with disabilities, and no evaluation of
9 harm to needy residents, the Los Angeles Superior Court announced its decision to
10 drastically reduce the number of courtrooms hearing unlawful detainers, from 26
11 courtrooms to just five. When the Court was asked whether it had considered the
12 impact of its plan on people with disabilities, it unequivocally stated that it had not.

13 24. The Stanley Mosk Courthouse in downtown Los Angeles and the
14 Antelope Valley courthouse will continue to hear unlawful detainers from the same
15 communities they currently serve. The only other courthouses that will hear unlawful
16 detainers are the Santa Monica courthouse, the Long Beach courthouse, and the
17 Pasadena courthouse, which already face capacity constraints and delays in serving
18 their existing communities.

19 25. Tenants with disabilities and other tenants from communities currently
20 served by one of the other 21 local courthouses will be forced to travel to Santa
21 Monica, Long Beach or Pasadena, effectively closing the courthouse doors on them.
22 There will be no unlawful detainer courtrooms in the San Fernando Valley, which is
23 larger than all but the four largest cities in the United States and home to more
24 individuals with disabilities than any other part of Los Angeles County. Tenants
25 from the Valley will be forced to travel to either Santa Monica or Pasadena – areas to
26 which there is no adequate public transportation route from the Valley. For residents
27 of many other areas currently served by neighborhood courthouses, there is also no
28 adequate public transportation route to the courthouses where unlawful detainers will

1 be heard. These courthouses have significant inaccessible features, which, coupled
2 with the increased volume of court users, will render them virtually inaccessible to
3 people with disabilities.

4 26. Individuals with disabilities and people of color are disproportionately
5 low income, renters, and reliant on public transportation.

6 27. Prior to the Court's decision to eliminate local unlawful detainer
7 courtrooms, an unlawful detainer filed against Ms. Miles would have been heard at
8 her neighborhood courthouse in Chatsworth, approximately six miles away from her
9 home. If the Court implements its plan, the unlawful detainer will be heard in the
10 Pasadena courthouse, approximately 30 miles away. Ms. Miles – who avoids
11 traveling in order to remain in her hospital bed – fears that the trip to Pasadena will
12 be physically impossible for her and cause her severe pain and stress. Because of her
13 disability, Ms. Miles can barely walk with a cane. Traveling makes her pain even
14 worse.

15 28. The unlawful detainer against Mr. Sullivan was filed in the Chatsworth
16 courthouse, which is approximately nine miles from his home. Under the Court's
17 plan, the case will likely be set for trial at the Pasadena courthouse, which is
18 approximately twenty-six miles from Mr. Sullivan's home. Traveling to the
19 Pasadena courthouse will be extremely challenging for Mr. Sullivan and cause him to
20 suffer physically. Under doctor's orders, Mr. Sullivan cannot travel more than one
21 hour at a time. One of his caretakers cannot drive on the freeway. Travel by car is
22 extremely time-consuming for Mr. Sullivan because of the time it takes for his
23 caretakers to transport him from his wheelchair and secure him and because he must
24 make regular stops so that his spinal cord is not exposed to vibrations from the
25 vehicle for long periods of time.

26 29. The majority of the tenants in the communities where neighborhood
27 courthouses will cease hearing unlawful detainers are low-income black, Latino, and
28 Asian families. Many of them are also individuals with disabilities. Many speak

1 languages other than English and because the Court does not provide interpreters,
2 they are unable to present their cases unless they can find a friend or family member
3 to travel to court with them to act as an interpreter.

4 30. Because few tenants can afford attorneys and legal services offices have
5 limited resources, only a small minority of these tenants will be represented by
6 counsel. For most tenants, an unlawful detainer is their first experience with the
7 judicial system. In contrast, the vast majority of landlords in unlawful detainer cases
8 are represented and accustomed to the process.

9 31. The challenge unrepresented tenants face in navigating an unfamiliar
10 judicial process is compounded by the unusually expedited timetable in unlawful
11 detainer cases, which will be even more difficult to meet for the tenants forced to
12 travel to distant courthouses under the Court's plan. A tenant must travel to the
13 courthouse and file an answer to an unlawful detainer within five days of being
14 served. C.C.P. § 1167.3. If the tenant does not, a landlord can obtain a default
15 judgment. C.C.P. § 1169.

16 32. If a tenant is able to file an answer and avoid default, the tenant still has
17 little time to prepare a defense. By statute, unlawful detainers must be set for trial no
18 later than 20 days after a request is made, and cases can be set with as little as one
19 weeks notice. C.C.P. § 1170.5(a). Tenants who are unable to appear lose their cases
20 by default.

21 33. The additional barriers created by the Court's decision to eliminate
22 unlawful detainer hearings in local courthouses will inevitably result in an increase in
23 cases decided by default. The minority tenants and tenants with disabilities most
24 affected by the plan will have to travel to courthouses up to 32 miles away, by the
25 Court's own estimates. Because of the traffic conditions and inadequate public
26 transportation system in Los Angeles County, many tenants will have travel five
27 hours or more, each trip. Public transportation is already extremely difficult for many
28 individuals with disabilities to access, and paratransit services are limited and

1 frequently unreliable. Because the Court will not accept unlawful detainer answers
2 for filing at local courthouses, they will have to make this trip twice in a less than a
3 month.

4 34. Many tenants with disabilities will be unable to travel to the outlying
5 courthouses where their cases will be heard under the Court's plan. Even for tenants
6 physically able to make the lengthy trip to a distant courthouse, the Court's plan
7 erects insurmountable barriers, such as incredible distances to maneuver with lack of
8 adequate public transportation, that will deprive many of their day in court.

9 35. Many of the low-income minority tenants and tenants with disabilities
10 who will have to travel the longest and spend the most time traveling once local
11 unlawful detainer hearings are eliminated do not own cars and live in areas that are
12 poorly served by Los Angeles County's public transportation system. The trip to the
13 courthouse for these tenants will require numerous transfers and travel to unfamiliar
14 areas, and will be prohibitively difficult and expensive. Public transportation routes
15 across this many miles often require walking substantial distances and long waiting
16 times outdoors, which will bar access to many tenants with disabilities. Tenants with
17 limited incomes who own cars will similarly be unable to afford the gas to travel an
18 additional 64 miles through heavy traffic to the courthouse and back, at least twice, to
19 defend their rights.

20 36. Some unscrupulous landlords take advantage of the uneven playing field
21 in unlawful detainer cases by filing weak or meritless cases in the hope that tenants
22 will lose by default. This is particularly true for long-term tenancies in apartments
23 subject to rent control ordinances, where an eviction allows the landlord to raise the
24 rent. Defaults in these cases deplete the supply of affordable housing in the County.
25 Thus, many low-income tenants have to defend multiple actions, and traveling to
26 distant courthouses will be a repeat hardship.

27 37. The Court acknowledges that the inevitable result of its plan will be a
28 dramatic increase in the number of unlawful detainer cases decided by default; at a

1 meeting on February 7, 2013, the Court indicated that it would be introducing a
2 streamlined new system for processing the increased number of defaults under the
3 plan. The Court is thus well aware that its plan effectively shuts the courthouse doors
4 on many tenants. It has also acknowledged that it did not even consider the impact of
5 its plan on individuals with disabilities.

6 38. Despite its knowledge that its plan fails to provide access to individuals
7 with disabilities and will deprive many tenants of their day in court, the Court could
8 not explain how its plan would save any money – even though saving money is the
9 Court’s stated justification for its plan. Further, the Court has not provided any
10 explanation for eliminating local unlawful detainer hearings on March 18, 2013,
11 rather than July 1 as previously announced, leaving no time to evaluate the impact of
12 its plan on tenants with disabilities and other needy residents or to consider options,
13 including the provision of reasonable accommodations pursuant to the Americans
14 with Disabilities Act, that might mitigate the harm to these vulnerable tenants.

15 **FIRST CAUSE OF ACTION**

16 **[TITLE II OF THE AMERICANS WITH DISABILITIES ACT, 42 U.S.C.**

17 **§ 12131 et seq.]**

18 **AGAINST ALL DEFENDANTS**

19 39. Plaintiffs repeat and incorporate by reference the allegations set forth in
20 paragraphs 1 through 38 above.

21 40. 42 U.S.C. § 12132 provides that, “[n]o qualified individual with a
22 disability shall, by reason of such disability, be excluded from participation or denied
23 the benefits of the services, programs, or activities of a public entity.”

24 41. At all times relevant to this action, Defendants were each a “public
25 entity” within the meaning of Title II of the ADA and provided a program, service or
26 activity to the general public.

27 42. At all times relevant to this action, Plaintiffs Miles and Sullivan and
28 members of Plaintiffs POWER, CES, and Union de Vecinos were qualified

1 individuals within the meaning of Title II of the ADA and met the essential eligibility
2 requirements for the receipt of the services, programs, or activities of the Defendants.

3 43. In acting as herein alleged, Defendants have failed in its responsibilities
4 under Title II to provide its services, programs and activities in a full and equal
5 manner to people with disabilities. Defendant's violations of Title II include, inter
6 alia:

- 7 a. Failing to ensure that UD court programs, services and activities
8 are readily accessible to and usable by persons with disabilities;
- 9 b. Failing to remove architectural and programmatic barriers that
10 exclude and deter people with disabilities from having equal
11 access to UD court programs, services and activities;
- 12 c. Affording qualified individuals with disabilities the opportunity to
13 participate in or benefit from its aids, benefits, or services that is
14 not equal to that afforded others;
- 15 d. Providing qualified individuals with disabilities with aids,
16 benefits, and/or services that are not as effective in affording equal
17 opportunity to obtain the same result, to gain the same benefit, or
18 to reach the same level of achievement as that provided to others;
- 19 e. Otherwise limiting qualified individuals with disabilities in the
20 enjoyment of any right, privilege, advantage, or opportunity
21 enjoyed by others receiving the aid, benefit, or service;
- 22 f. Utilizing criteria or methods of administration that:
 - 23 i. Have the effect of subjecting qualified individuals with
24 disabilities to discrimination on the basis of disability; and
 - 25 ii. Have the purpose or effect of defeating or substantially
26 impairing accomplishment of the objectives of the LASC's
27 program with respect to individuals with disabilities; and
28

1 g. Failing to make reasonable modifications in policies, practices, or
2 procedures when the modifications are necessary to avoid
3 discrimination on the basis of disability.

4 44. As a direct proximate result of the Court's unlawful conduct, Plaintiffs
5 POWER, CES, Union de Vecinos, and ILCSC have suffered irreparable harm and
6 this harm will continue absent injunctive relief.

7 45. As a direct and proximate result of the Defendants' unlawful conduct,
8 Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de
9 Vecinos, and other tenants face an imminent risk of irreparable harm which will
10 continue absent injunctive relief.

11 **SECOND CLAIM FOR RELIEF**

12 **[§ 504 OF THE REHABILITATION ACT OF 1973, 29 U.S.C. § 794]**

13 **AGAINST INDIVIDUAL DEFENDANTS IN THEIR OFFICIAL CAPACITIES**

14 46. Plaintiffs repeat and incorporate by reference the allegations set forth in
15 paragraphs 1 through 45 above.

16 47. Section 504 of the Rehabilitation Act of 1973 provides in pertinent part:
17 "[N]o otherwise qualified individual with a disability. . . shall, solely by reason of her
18 or his disability, be excluded from the participation in, be denied the benefits of, or be
19 subjected to discrimination under any program or activity receiving federal financial
20 assistance. . . ." 29 U.S.C. § 794.

21 48. Plaintiffs Miles and Sullivan and members of Plaintiffs POWER, CES,
22 and Union de Vecinos are qualified individuals with disabilities within the meaning
23 of the Rehabilitation Act because they have a physical or mental impairment that
24 substantially limits one or more of major life activities. 29 U.S.C. § 705(20)(B).

25 49. At all times relevant to this action Defendants were recipients of federal
26 funding within the meaning of the Rehabilitation Act.

27 50. Through its acts and omissions described herein, Defendants violated
28 and continue to violate the Rehabilitation Act by excluding Plaintiffs Miles and

1 Sullivan and members of Plaintiffs POWER, CES, and Union de Vecinos from
2 participation in, denying them the benefits of, and subjecting them to discrimination
3 in the benefits and services Defendants provides.

4 51. As a direct and proximate result of the Defendants' unlawful conduct,
5 Plaintiffs POWER, CES, Union de Vecinos, and ILCSC have suffered irreparable
6 harm and this harm will continue absent injunctive relief.

7 52. As a direct and proximate result of Defendants' unlawful conduct,
8 Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de
9 Vecinos, and other tenants face an imminent risk of irreparable harm which will
10 continue absent injunctive relief.

11 **THIRD CAUSE OF ACTION**

12 **[FAIR HOUSING ACT, 42 U.S.C. §§ 3604(a) and (f)(1)]**

13 **AGAINST INDIVIDUAL DEFENDANTS IN THEIR OFFICAL CAPACITIES**

14 53. Plaintiffs repeat and incorporate by reference the allegations set forth in
15 paragraphs 1 through 52 above.

16 54. The Fair Housing Act, 42 U.S.C. §§ 3604(a) and (f)(1), provides that
17 "[i]t shall be unlawful . . . [t]o refuse to sell or rent after the making of a bona fide
18 offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable
19 or deny, a dwelling to any person because of race, color . . . or national origin" or
20 "because of a handicap of that ...renter."

21 55. The elimination of local unlawful detainer courtrooms will have an
22 unjustified disparate impact on black, Latino and Asian tenants and will deny
23 meaningful access to unlawful detainer courts to black, Latino, and Asian tenants and
24 tenants with disabilities, who will therefore lose their rights to remain in their homes.
25 Therefore, the plan will otherwise make unavailable or deny dwellings to Plaintiffs
26 Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos, and
27 other tenants on the basis of race, color, national origin or disability, in violation of
28 42 U.S.C. §§ 3604(a) and (f)(1).

56. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs POWER, CES, Union de Vecinos, and ILCSC have suffered irreparable harm and this harm will continue absent injunctive relief.

57. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos, and other tenants face an imminent risk of irreparable harm which will continue absent injunctive relief.

FOURTH CAUSE OF ACTION

[FAIR HOUSING ACT, 42 U.S.C. §§ 3604(b) and (f)(2)]

AGAINST INDIVIDUAL DEFENDANTS IN THEIR OFFICAL CAPACITIES

58. Plaintiffs repeat and incorporate by reference the allegations set forth in paragraphs 1 through 57 above.

59. The Fair Housing Act, 42 U.S.C. §§ 3604(b) and (f)(2), provides that "[i]t shall be unlawful . . . [t]o discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of race, color, . . . or nation origin" or "because of a handicap of that person."

60. The elimination of local unlawful detainer courtrooms will have an unjustified disparate impact on black, Latino, and Asian tenants and will deny meaningful access to unlawful detainer courts to black, Latino, and Asian tenants and tenants with disabilities, who will therefore lose their rights to remain in their homes. Therefore, the plan will have the effect of discriminating against Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos, and other tenants in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, national origin or disability, in violation of 42 U.S.C. §§ 3604(b) and (f)(2).

61. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs POWER, CES, Union de Vecinos, and ILCSC have suffered irreparable harm and this harm will continue absent injunctive relief.

62. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos, and other tenants face an imminent risk of irreparable harm which will continue absent injunctive relief.

FIFTH CAUSE OF ACTION

[42 U.S.C. § 1983 U.S. CONST. AMEND. V AND XIV]

AGAINST INDIVIDUAL DEFENDANTS IN THEIR OFFICAL CAPACITIES

63. Plaintiffs repeats and incorporates by reference the allegations set forth in paragraphs 1 through 62 above.

64. 42 U.S.C. § 1983 provides that “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress” The Fifth Amendment to the United States Constitution provides that no person shall “be deprived of life, liberty, or property, without due process of law.” The Fourteenth Amendment to the United States Constitution provides that no state shall “deprive any person of life, liberty, or property, without due process of law.”

65. The Court's plan violates Plaintiffs Miles' and Sullivan' rights, and the rights of members of Plaintiffs POWER, CES, and Union de Vecinos, under the Due Process Clause of the Fifth and Fourteenth Amendments. After the Court implements its plan, Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos and many other tenants will be deprived of their property rights without a meaningful opportunity to be heard.

66. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos, and other tenants face an imminent risk of irreparable harm which will continue absent injunctive relief.

SIXTH CAUSE OF ACTION

[U.S. CONST. AMEND. I AND XIV]

AGAINST INDIVIDUAL DEFENDANTS IN THEIR OFFICAL CAPACITIES

67. Plaintiffs repeat and incorporate by reference the allegations set forth in paragraphs 1 through 66 above.

68. 42 U.S.C. § 1983 provides that “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress” The Petition Clause of the First Amendment to the United States Constitution, as incorporated against the states through the Fourteenth Amendment to the United States Constitution, guarantees the right to access to courts.

69. The Court's plan violates Plaintiffs Miles' and Sullivan' rights, and the rights members of Plaintiffs POWER, CES, and Union de Vecinos, under the Petition Clause of the First Amendment. After the Court implements its plan, Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos and many other tenants will be unable to access the courts to defend their rights in unlawful detainer actions.

70. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs Miles and Sullivan, members of Plaintiffs POWER, CES, and Union de Vecinos, and other tenants face an imminent risk of irreparable harm which will continue absent injunctive relief.

1 **Prayer for Relief**

2 WHEREFORE, Plaintiffs pray for judgment:

3 1. Enjoining the Defendants from eliminating unlawful detainer courtrooms
4 and hearing sites at local courthouses under its February 28, 2013 consolidation order
5 and prohibiting the Defendants from implementing the consolidation order;

6 2. Enjoining the Defendants from undertaking any future efforts to
7 eliminate or reduce unlawful detainer courtrooms and hearing sites until the Court
8 first holds public meetings and allows for a public input process in all impacted
9 communities, conducts an analysis of impediments to individuals with disabilities,
10 and establishes a plan to ensure meaningful access to Superior Court services to all
11 individuals with disabilities in unlawful detainer actions;

12 3. Retaining jurisdiction over the Defendants until such time as the Court is
13 satisfied that Defendants' unlawful practices, acts and omissions complained of
14 herein no longer exist and will not recur;

15 4. Awarding Plaintiffs such other and further relief as the Court deems just
16 and proper; and

17 5. Awarding Plaintiffs the costs, expenses, and attorneys' fees incurred in
18 this action.

19
20 Dated: March 13, 2013

NEIGHBORHOOD LEGAL SERVICES OF
LOS ANGELES COUNTY
LEGAL AID FOUNDATION OF LOS ANGELES
DISABILITY RIGHTS LEGAL CENTER
WESTERN CENTER ON LAW & POVERTY

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22
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24 By: /s/ [Signature]

25 Attorneys for Plaintiff
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JURY DEMAND

Trial by jury of all issues is demanded.

Dated: March 13, 2013 NEIGHBORHOOD LEGAL SERVICES OF
LOS ANGELES COUNTY
LEGAL AID FOUNDATION OF LOS ANGELES
DISABILITY RIGHTS LEGAL CENTER
WESTERN CENTER ON LAW & POVERTY

By: /s/ [Signature]

Attorneys for Plaintiff